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should be set upon any property right in news, or of the circumstances under which news gathered by a private agency should be deemed affected with a public interest. Courts would be powerless to prescribe the detailed regulations essential to full enjoyment of the rights conferred, or to introduce the machinery required for enforcement of such regulations. Considerations such as these should lead us to decline to establish a new rule of law in the effort to redress a newly disclosed wrong, although the propriety of some remedy appears to be clear."

Mr. Justice Holmes with whom Mr. Justice McKenna concurs, delivers an opinion in which he in the main agrees with the majority of the Court, but thinks it went too far. He thinks that legislation might be necessary to correct the evil which, in his judgment, consists in not giving credit to the source from which the news is obtained. "I think," said he, "that within the limits recognized by the decision of the Court the defendant should be enjoined from publishing news obtained from the Associated Press for hours after its publication by the plaintiff unless it gives express credit to the Associated Press; the number of hours and form of acknowledgment to be settled by the District Court."

Which seems to us an admission by these two learned Justices Holmes and McKenna that the Court must legislate—not decide—for this would be practically what the District Court would have to do, if it carries out this suggestion.

It will be noted that our Associate Editor took a somewhat different view of the case in our March number.

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#### CORRECTION.

In the note prefacing the April Editorials Lieutenant Wm. Eskridge Duke was erroneously spoken of as a *Second* Lieutenant. He is a *First* Lieutenant in the 80th Field Artillery at present at Pont-a-Mousson, France.